

SENATE JOURNAL**SECOND DAY****MORNING SESSION**

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

Roll Call- All Senators present except Senators Evans and Spencer, excused.

Prayer -Lane Beattie, State Olympic Officer and former President of the Senate

**READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 8)**

INTRODUCTION OF BILLS**LICENSURE OF MOTOR VEHICLES****S.B. 108***Ed P. Mayne*

AN ACT RELATING TO THIS ACT MODIFIES THE MOTOR VEHICLE CODE BY REQUIRING APPLICANTS FOR NEW VEHICLE REGISTRATION OR A TEMPORARY PERMIT TO SHOW A VALID DRIVER LICENSE, was read for the first time and referred to the Rules Committee.

UTAH ANATOMICAL GIFT ACT AMENDMENTS**S.B. 109***Karen Hale*

AN ACT RELATING TO THIS ACT MODIFIES THE UNIFORM ANATOMICAL GIFT ACT AND THE UNIFORM DRIVER LICENSE ACT. THIS ACT MODIFIES THE UNIFORM ANATOMICAL GIFT ACT TO COMPLY WITH FEDERAL LAW. THE ACT REQUIRES A HOSPITAL TO NOTIFY AN ORGAN PROCUREMENT ORGANIZATION OF THE IMMINENT OR ACTUAL DEATH OF A PATIENT. THE ACT REQUIRES A HOSPITAL TO COLLABORATE WITH THE ORGAN PROCUREMENT ORGANIZATION OR DESIGNATE TRAINED INDIVIDUALS TO ENSURE THAT SPECIFIED PERSONS ARE INFORMED ABOUT ANATOMICAL GIFT OPTIONS. THIS ACT DELETES THE REQUIREMENT TO OBTAIN SIGNATURES FROM THOSE SPECIFIED PERSONS AND ENTER INFORMATION ON THE UTAH ANATOMICAL CONSENT FORM. THIS

ACT AUTHORIZES THE DRIVER LICENSE DIVISION TO RELEASE TO AN ORGAN PROCUREMENT ORGANIZATION THE NAMES AND ADDRESSES OF PERSONS WHO INDICATE ON THEIR LICENSES THAT THEY INTEND TO MAKE AN ANATOMICAL GIFT. THIS ACT SETS FORTH THE MANNER OF COLLECTING AND RELEASING ANATOMICAL GIFT INFORMATION AND SETS LIMITS ON ITS USE. THIS ACT AMENDS DEFINITIONS, MAKES TECHNICAL CHANGES, AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

THIRD READING CALENDAR

S.J.R. 1, JOINT RULES RESOLUTION - MI NI APPROPRIATIONS PROCESS, was read the third time, explained by Senator Blackham. Senator Steele commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator Spencer

S.J.R. 1 was transmitted to the House.

* * *

On motion of Senator Poulton, and at 10:25 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 16, 2001

The House passed **H.B. 18**, INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION, by Representative G. Cox, and it is transmitted for consideration; and

The House passed **H.B. 32**, UNAUTHORIZED CHARGES ON UTILITIES - CRAMMING AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 33**, CLARIFICATION OF TIME LIMITS FOR REUNIFICATION SERVICES, by Representative M. Throckmorton, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 18, H.B. 32, and H.B. 33** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 16, 2001

The Rules Committee recommends assignment of the following bills and resolution to standing committees:

Business, Labor & Economic Development

- | | |
|----------------|---|
| S.B. 44 | Fees Payable to the Commissioner of Financial Institutions (T. Spencer) |
| S.B. 46 | Deception Detection Examiners Licensing Act Amendments (J. Hickman) |
| S.B. 95 | Workers' Compensation Advisory Council Amendments (E. Mayne) |
| S.B. 96 | Commercial Drivers License Medical Waivers (E. Mayne) |

Energy, Natural Resources & Agriculture

- | | |
|----------------|---|
| S.B. 90 | Veterans Memorials Erected and Maintained by Counties (G. Davis) |
| S.B. 98 | Locating Telecommunications Facilities (R. Allen) |
| H.B. 16 | Electronic Government Services Amendments - Environmental Quality (R. Siddoway) |
| H.B. 17 | Electronic Government Services Amendments - Natural Resources (R. Siddoway) |

Human Services

- | | |
|----------------|---|
| S.B. 97 | Special Needs Adoption Services (L. Hillyard) |
|----------------|---|

Revenue & Taxation

- | | |
|----------------|---|
| S.B. 27 | Sales and Use Tax Exemption for Mining Establishments (H. Stephenson) |
|----------------|---|

S.J.R. 3 Joint Resolution Amending Revenue and Taxation Article
- Exemptions (M. Waddoups)

State & Local Affairs

S.B. 21 Information Technology Commission Amendments
(D. Steele)
S.B. 41 Utah Coordinate System Amendments (P. Hellewell)
H.B. 20 State Symbol Recodification (L. Pace)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

* * *

Mr. President: January 16, 2001

The Rules Committee recommends assignment of the following bills and resolutions to the second reading calendar:

S.J.R. 4 Joint Rules Resolution - Revisions to Appropriations
Subcommittees (M. Waddoups)
S.R. 1 Senate Resolution Amending Provisions Relating to Long
Title (M. Waddoups)
H.B. 4 Repeal of Public Works Programs (N. Hansen)
H.B. 9 Repeal of Obsolete Bonding Authorizations and Related
Provisions (L. Pace)
H.B. 10 State Institutions Provisions Repeal (M. Styler)
H.B. 11 State Loan Commissioners and Loan Authorization
Repeal (B. Holladay)
H.B. 23 Repeal of Bedding, Upholstered Furniture, Quilted
Clothing Advisory Committee (N. Hendrickson)
H.B. 24 Repeal of Dairy Advisory Board (M. Styler)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

INTRODUCTION OF BILLS**NONPARTISAN ELECTION COMMISSION****S.B. 55***D. Edgar Allen*

THIS ACT MODIFIES THE ELECTIONS CODE CREATING A STATE ELECTIONS COMMISSION. THIS ACT DEFINES THE STATE ELECTIONS COMMISSION'S MEMBERSHIP, POWERS, DUTIES; AND MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

DRIVING UNDER THE INFLUENCE PENALTY AMENDMENTS**S.B. 56***Karen Hale*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY EXPANDING THE FELONY DRIVING WHILE INTOXICATED VIOLATIONS, was read for the first time and referred to the Rules Committee.

* * *

Senator David Steele taught a class on the basics of using the legislature's bill browser software.

On motion of Senator John Valentine, Chief Justice Richard Howe spoke in Committee of the Whole. President Mansell commented.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

* * *

On motion of Senator Valentine and at 3:00 p.m., the Senate adjourned until 10:00 a.m., January 17, 2001.

JOINT CONVENTION

President Al Mansell called the Joint Convention to order at 6:15 p.m. in the Chamber of the Utah House of Representatives.

A quorum of both houses was present.

President Mansell appointed a Joint Committee comprised of Senators Steven Poulton, John Valentine, and Mike Dmitrich, and Representatives Kevin S. Garn, David Ure, and Ralph Becker to notify Governor Michael O. Leavitt that the

2001 General Session of the Fifty-Fourth Legislature is in Joint Convention and ready to hear his State of the State address.

President Mansell introduced elected and appointed officials that were in attendance at the Joint Convention.

On motion of Senator L. Steven Poulton, the Joint Convention resolved itself into a Committee of the Whole for the purpose of hearing Governor Michael O. Leavitt's State of the State address.

The Joint Committee escorted Governor Leavitt to the House rostrum.

**STATE OF THE STATE ADDRESS
BY GOVERNOR MICHAEL O. LEAVITT**

**Utah in the Age of Opportunity:
Transitioning to a New Economy**

Good evening President Mansell, Speaker Stephens, members of the Legislature, Chief Justice Howe, Lieutenant Governor Walker and my fellow Utahns.

Utah is strong, optimistic and full of the kind of challenges that create opportunity.

But first off this evening, there is someone I want you to meet. If as legislators, you ever wonder about the difference you make, meet Preston White. Preston is 11 months old. He and his family live in Nephi. They are sitting tonight with their state representative, Darin Peterson. When Preston was born, he had a serious bone abnormality that required immediate, expensive care. Preston was one of the 20,000 children enrolled in the Children's Health Insurance Program the Legislature put in place 2 years ago. CHIP covered the treatment he needed and saved his parents from bankruptcy. Best of all, it saved Preston from serious disability.

He is living proof that what we do here can improve lives.

Preston is growing up in a Utah that is young, education-minded and tech-savvy.

For the past 8 years, education has been an intense focus. Better funding, higher teacher salaries and higher test scores, combined with smaller classes means continuous improvement. And better schools means better jobs, with Utah household income soaring from 29th to 8th in the nation in 10 years.

Crime is at a 20-year low, and we are investing statewide in transportation, with 43 Centennial highway projects, expanded public transportation and Legacy Parkway.

Children are safer, with more foster families and adoption for the abused or neglected. Welfare dependency is down by more than half. And we are ensuring quality growth through Envision Utah and 21st Century communities initiatives on housing, water and open space.

We are well on our way to providing high-speed Internet services to every Utah household. You can register your car or buy your hunting license on line.

And all this takes a smaller percentage of our paychecks than 8 years ago, causing financial publications to designate Utah "the best managed state in America.

A strong economy provides for families to meet their basic needs; to feed, clothe and house themselves, but it also provides the means to accomplish our most noble aspirations as a people: caring for the needy, creating parks, building highways, fostering the arts, making our state a safe place to live. All of these are made possible by a strong economy.

But the fact is, economies go through life cycles: growth and maturity. And they require constant renewal and rejuvenation to stay strong. There are signs that our national economy may be slowing.

Two words express what I believe to be our state's most important priority:

ECONOMIC TRANSITION

I was at a Jazz game. I saw one of Utah's players drive to the basket and score the go-ahead points with a dramatic slam dunk. The crowd went crazy and for just a split second, the Jazz players celebrated the moment. At that instant, I heard their coach, Jerry Sloan, stomping and yelling, the way he does to get his players' attention. "TRANSITION! TRANSITION!" He waved his players to the other end of the court. The Jazz sprinted to get into position for the next play. Coaches call this "the transition game:" Anticipating what comes next, and moving faster than the competition to be ready.

I asked Coach Sloan about it.

He said, "I tell my team: Always play forward. Anticipate what's next, and get there before they do."

So, what is Utah's economic game plan? First, we have a young, education-minded, tech-savvy workforce that will grow at twice the national average.

Second, we will keep Utah a safe, livable place where New Economy business can operate profitably. And finally, when it comes to the competition, we'll just out work 'em.

We live in a time of rapid economic and cultural change. It is driven by information technology, which affects every part of our lives. Our home towns have become part of a single global market. The power of nations has shifted from bombs to bandwidth. More and more we do our errands online, not in line. From where we sit we can literally reach across the globe and connect with loved ones in far-off lands...in an instant. What used to take weeks now takes seconds.

Every change both eliminates jobs and creates others. Change is unsettling, often painful, but it is the fuel of renewal.

EDUCATION

Education and economic expansion have never been closer allies. For that reason, I have proposed a four-year education improvement plan starting this year with a giant step forward in funding, 14.8%. The plan calls for more textbooks, class size reduction and paying teachers equivalent with other professionals.

By the end of next year, we will have put into operation our accountability system, U-PASS. Students will be tested continually to assure they are learning the necessary skills, especially in reading. Every child will read at grade level, or we will provide extra help until they do. Special consideration needs to be given to the progress of our ethnic minority students. We are losing too many of them.

Like our forefathers, these are able children who come here with their families seeking peace, refuge and the American dream. We welcome them.

Recently I visited a fourth grade class. I sat on the floor next to a group of students.

I leaned over to one of the boys and asked him, "What do you want to be when you grow up?" He looked down at the floor, and did not answer. So I asked him again. He stared at the floor. Then I felt a tug on my sleeve from another boy. "He doesn't understand you," he said. "He doesn't speak English" It was a poignant moment.

It helped me understand how hard it must be, and how important it is that we respond to the changing face of our state demographics.

I want you to meet Aldina, a third grader. She was born in war-torn Bosnia and came to the United States in 1998. She did not speak any English. Aldina, do you have something you want to say? No child will be left behind.

HIGHER EDUCATION

Our education emphasis can not stop in our primary grades. All Utahns need access to higher education. We are expanding our system of branch campuses, and increase the velocity of our entire system. I have challenged the Board of Regents to reduce the time students take to get a 4-year degree to 4-years.

We also need to double in five years and triple in eight years the number of engineering, computer science and tech graduates in Utah universities, colleges and applied technology centers.

Let this be the beginning of a new emphasis on market relevance in the allocation of resources at our colleges and universities. I have proposed an aggressive building program to add the physical capacity on our campuses, and funding to assure we have qualified faculty and up-to-date equipment. We need 15,000 engineering and computer science students by 2005. Our economic future depends on it.

To get there, we need to nurture math and technology skills among our students in junior high and high school, especially among young women.

We are losing from our public schools too many teachers in high demand areas of math and technology. Something has to be done to stop this drain.

I meet qualified math and technology teachers all over the state. Unfortunately, I meet many of them at high-tech businesses, not in our schools. They simply could not afford to stay.

Representative Tom Hatch has as his guest tonight one of those former teachers, Jeff Owens, who taught math at Panguitch High School. Jeff influenced many from that small High School to pursue technology careers.

Despite his love of teaching, despite his love of Panguitch, he left, taking a job with a computer software company.

Jeff's story is not unique. Too many Utah teachers are forced to make the same decision every year. We hate to lose a great teacher in English, art, social science in any category. We value all teachers, but right now there is a magnified problem when math and advanced technology teachers leave. It starts an economic domino effect. Our economy depends upon those who can teach these skills. If we lose them, we lose our capacity to educate our young people in the careers that will keep them competitive. To have great schools, we have to have a great economy. It is that simple.

It is time to do something unconventional.

I propose a plan of financial incentives similar to those used in private industry to keep the qualified teachers we have in these areas, and add at least 850 teachers who have master's degrees in learning technology. I propose a one-time benefit of as much as \$20,000 on top of their existing salaries in exchange for a commitment to stay in Utah schools for four years. Outstanding teachers in other disciplines willing to retool themselves in these high demand areas are also eligible. The state will pay for their master's degree in technology or their certificate in math and give them a retention contract when they graduate.

QUALITY OF LIFE

In a world where most jobs can be located anywhere, now, more than ever, preserving our quality of life is an economic imperative. The natural beauty of Utah and opportunities for recreation are a major draw. For this reason I ask you to join me in a major drive to spruce up, clean up and keep up our state parks and monuments.

These are our heritage. Likewise, I propose a new initiative to devote 1 percent of our streams and rivers to truly great fly fishing. By dedicating these waters to quality...catch-and-release fisheries, and by devoting the revenue they generate to improving streams and habitat, we can create a system of Heritage Waters that will not only preserve a wonderful part of our culture and recreation, but it will be an economic boon for the areas in which these waters reside.

In the New Economy, quality of life is an economic development tool. One thing that could seriously compromise the livability and safety of our state is high-level nuclear waste.

Once again, let our voices be heard: We do not want it here, and we will continue to use every legal, environmental, legislative and political tool available to ban nuclear fuel rods from this state.

I fully endorse the legislation carried by Senator Terry Spencer, which will outlaw these companies' use of our resources, keep them from getting services and tax them to the fullest extent allowable under the constitution.

There will be no compromise here.

We will continue our fight to gain quiet title to every RS 2477 road in this state all 5,000 of them. They are our roads; and our rights. We welcome the possibility that on this and other public land issues we can work with the new Bush administration to solve problems that have created economic uncertainty and social turmoil for generations.

Now is the time.

Last week we brought another lawsuit to give Utah the 4th Congressional seat it deserves. The issue is clear: how can 15,000 easily identifiable Utahns on humanitarian or religious service not be counted when others in government service are? Our cause is just; the census count was not.

There are few things that could kill an economy or life quality like a lack of reliable electric supply. Due to complex economic, environmental and regulatory issues, the West has not kept up in developing energy resources.

Conservation is an important short-term solution; more production is a long-term necessity. Our state will participate as a partner in creating a regional solution to this problem. But California must join us in conservation efforts and find solutions to their disastrous deregulation scheme. California consumers cannot be shielded from the true cost of power while major utilities are allowed to perish in bankruptcy and consumers in other western states are left to pick up the tab. A handful of companies are making billions of dollars because of this temporary dysfunction.

It needs to be fixed.

Tonight, I call on the Federal Energy Regulatory Commission to restore order to the electricity market through a temporary return to cost-plus-pricing in the wholesale market. During this legislative session we must assure that Utah's consumer services committee continues to operate as an independent advocate for small-rate payers. Utah has energy resources, transmission lines and pipelines in place and will do what is necessary to provide consumers reliable power at reasonable prices.

The first responsibility of government is ensuring that our people feel safe and secure in our communities. One of the most sinister destroyers of families and communities is drugs. Drug courts are a heartening sign that we can turn back the ravages of this sinister trend. It used to be that offenders were sentenced to hard time. Now, those who go to drug courts are sentenced to change their lives. And the good news is, it is working. Of those who complete Drug Court, 92% are rehabilitated. We need to expand drug courts statewide.

We can have a young, education-minded, tech-savvy workforce, a high quality of life, a great business environment and still not succeed in the New Economy. Our success requires another ingredient: good, old-fashioned shoe leather. We need to be out, attracting commerce not just within the borders of the United States, but throughout the world.

The new economy is a global economy.

To accelerate our success in the New Economy and to raise our profile among the technology community we formed the Utah/Silicon Valley Alliance.

This alliance will attract high-tech companies to use Utah as the place to expand, with the ultimate aim of nurturing thousands of new entrepreneurial start-ups. We have what high-tech companies need: an educated workforce that is growing at twice the national average; research institutions; colleges and universities able to serve every part of this state. They have what we need: capital and entrepreneurial reputation.

It will take collaboration between our telecommunication providers and our professional communities to make this happen. Part of our plan is to harness a powerful, under-utilized force: former Utahns who have left our state in pursuit of opportunities elsewhere. Many of them yearn to come home, others we can weave into a formalized network of a thousand Utah ambassadors to help us build our New Economy.

This alliance is not simply for the Wasatch Front, but statewide. Part of the legislative package you will consider is a measure sponsored by Senator Leonard Blackham to build a network of smart space partnerships throughout rural Utah.

Rural Utah is at a critical juncture. A new century of high-speed technology, rapid growth and global economics will profoundly impact the lives of rural Utahns. We will continue to build our natural resource economy, but in the long-term, rural communities have to be participants in the New Economy.

Our efforts will not transform these regions overnight, but we can form the beginnings of a New Economy that will grow to provide a future in rural Utah.

In 388 days, we will welcome the world to the 2002 Olympic Winter Games. This will be one of the defining moments of this century for Utah. It will provide our state with a platform to the world. It will lift our economic transition like no other event.

Tonight, I wish to express an Olympic desire; that the children of our state can each share in the Olympic experience. That every child in Utah through the 2002 Olympic Games can come to know, to feel, to understand the values of respect for all people, achieving dreams, teamwork, courage and optimism.

To that end, the first lady and I have partnered with the education community, SLOC and Utah Power to place in our schools "Light the Dream: The Governor's Music and Education program." Our children will sing and write and experience the value of the Olympic dream.

One of the songs our children will sing expresses the magic of the Olympic dream.

When you open your eyes, do you see what I see? From the mountains to the streets, flags of nations, flags of peace, light the dream! Light the dream! Light the dream!

In Utah, we are dreamers and doers. We are people molded by the spirit and optimism of the American West, a state thriving in this new age of opportunity.

Now, let's light the dream.

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On motion of Senator Poulton, the Joint Convention voted to have the complete text of the governor's State-of-the-State address printed upon the pages of the Senate Journal.

On motion of Senator Poulton, the Committee of the Whole was dissolved.

On motion of Senator Garn, the Joint Convention was dissolved.

On motion of Senator Garn, the House voted to adjourn until January 17, 2001, at 10:00 a.m.

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